

REMARKS

Claims 1-21 stand rejected. The Examiner objected to claim 22 and also to rejected claim 15. Claims 23-35 were previously canceled without prejudice. Claims 36-39 have been determined to be allowable by the Examiner. Claims 40-42 have now been added.

In light of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1-22 and consideration and allowance of new claims 40-42.

Formalities.

The Examiner requested copies of the priority papers where the certified ribbon/seal is visible.

Accompanying this document is a .pdf image of a photocopy of priority document FR 03 03893 wherein the certified color seal (watermark) is visible in grayscale; a ribbon is not a component of the document. Priority document FR 03 03895 was not available at the time of this reply, but could be procured if deemed necessary by the Examiner.

Rejections under 35 U.S.C. §112.

The Examiner rejected claims 11 and 12 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner stated that an angular range recited in claim 12 contradicts an angular range recited in claim 11.

Applicants, however, respectfully assert that these separate ranges are (i) proper, (ii) do not contradict each other, and (iii) are explicitly taught as such in the specification (e.g., page 2, lines 34-38, to page 3, lines 1-4). In particular: claim 9 recites a “non-zero angle;” claim 11

recites, through dependency on claim 9, a non-zero angle “in the range 10° to 75°;” and claim 12 recites, through further dependency on claim 9, a non-zero angle “in the range 100° to 180°.” Therefore there is no contradiction and the pendency of each claim is proper; and thus these claims have not been amended or canceled herein.

Applicants, therefore, respectfully request withdrawal of this rejection of claims 11 and 12 under §112.

Rejections under 35 U.S.C. §§102 and 103.

The Examiner rejected claims 1, 4, 6, 7-9, 15 and 17-21 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,377,157 (“the Zartman patent” or “Zartman”). The Examiner also rejected claims 2, 3, 5, 10-14, and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over the Zartman patent.

In response, Applicants first assert that Zartman generally teaches an intravaginal anchoring device for an article such as a telemetric radio transmitter, while Applicants’ invention is for treatment of anatomical disorders of the pelvic region. Those of ordinary skill in the surgical urology art of Applicants’ invention would not confuse their invention for Zartman’s radio transmitter anchoring device, nor would they be deemed in any way to be interchangeable. In particular, significant differences between Applicants’ disclosed and claimed invention and the Zartman patent are evident. For example:

Applicants’ invention is thin and flexible (e.g., page 2, lines 4-5; page 7, lines 37-38; and figs. 1, 6-8, and 13-15) while the device of the Zartman patent is clearly not by inspection of its drawings.

Applicants' invention places stabilizers in a patient's trans-sacrosciatic region (page 2, lines 18-20) but Zartman neither teaches nor suggests any stabilizers placed in such fashion.

Applicants' device is constructed from suitable biocompatible materials such as, for example, woven or knitted polypropylene or polyester fibers (page 7, lines 37-38, to page 8, lines 1-3) whereas Zartman teaches a complex and largely three-dimensional metal spring-like apparatus (column 2, lines 53-54) having spider-like legs (column 4, lines 40-44).

Applicants' device may be placed at the recto-vaginal septum of a patient (page 9, lines 21-22) while Zartman's spring-like anchoring device for articles such as radio transmitters is designed for implantation within the vagina itself (column 4, lines 35-38).

Also, Applicants' invention may be characterized in some embodiments as being substantially flat and hammock-like (page 15, lines 28-29, and page 19, lines 33-34) whereas Zartman's device is definitely not flat (figs. 1-3).

Further, Applicants' invention is positioned by way of resorbable sutures (page 13, lines 33-36) but Zartman's anchoring device is held in place, intravaginally, by way of extension of its legs in spring-loaded fashion (column 4, lines 52-55; and fig. 1).

In light of these many and important differences, therefore, Applicants respectfully assert that Zartman is not an anticipatory (§102) or obviousness (§103) reference. Consequently, no amendments have been made to the claims regarding these rejections.

Thus, Applicants respectfully request withdrawal of these rejections of claims 1, 4, 6, 7-9, 15 and 17-21 under §102(b), and claims 2, 3, 5, 10-14, and 16 under §103(a).

Claim Objections.

The Examiner objected to claim 15, asserting that the term “general” is vague.

Claim 15 has been amended herein accordingly, by deletion of the term “general”.

Thus, Applicants respectfully request withdrawal of this objection to claim 15.

Allowable Subject Matter.

The Examiner objected to claim 22 as being dependent upon a rejected base claim, but stated that claim 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner’s decision in this regard, but they respectfully repeat their belief as aforescribed that since claim 1 is allowable over Zartman, then dependent claim 22 is also allowable without amendment.

Therefore, claim 22 has not been amended under this objection.

Thus, Applicants respectfully request withdrawal of this objection to claim 22.

Applicants also gratefully acknowledge the Examiner’s decision that claims 36-39 are patentable over the prior art of record.

New claims.

Applicants have presented new claims 40-42 herein (i) which are believed to be adequately and fully supported by the specification and drawings and (ii) with regard to which no new matter has been introduced.

A fee for these three additional claims, in excess of twenty, will be paid via the EFS-Web system upon submission hereof.

CONCLUSION

Applicants submit that claims 1-22 and new claims 40-42 are in condition for allowance, which action is respectfully requested; and claims 36-39 have been determined to be allowable by the Examiner.

Accompanying this reply is a separate Petition for Extension of Time Under 37 CFR 1.136(a) document. A required fee thereon will be paid via the EFS-Web system upon submission hereof.

As aforementioned, a fee for three additional claims in excess of twenty will also be paid via the EFS-Web system.

The Examiner is invited to telephone the undersigned counsel if such would further prosecution.

Respectfully submitted,
Emmanuel Delorme, et al.

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Walter K. (Kevin) Roloff, Reg. No. 36,907
U.S. Patent Counsel
Coloplast Corp., Coloplast A/S
Customer No. 69289
Telephone: (612) 302-4974